



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
324 EAST ELEVENTH STREET  
KANSAS CITY, MISSOURI - 64106

JAN 6 1984

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Howard Jerome  
Technical Director  
Spatz Paint Industries, Inc.  
1601 North Broadway  
St. Louis, Missouri 63102

EPA I.D. Number MOD001939735

Dear Mr. Jerome:

On September 20, 1983, the Missouri Department of Natural Resources (MDNR) referred to the U.S. Environmental Protection Agency (EPA) information concerning on-going violations of federal and state hazardous waste regulations at Spatz Paint Industries, Inc.. This referral was initiated both by the inability of Spatz Paint to store ignitable hazardous waste greater than 50 feet from the plant property boundary, due to the physical configuration of plant property, in violation of 40 C.F.R. §262.34(a)(1), §265.176, and 10 CSR 25-7.050(3)(G), and the inability of MDNR to grant a variance to state regulations for such a situation.

Based on EPA's review of this situation we are requesting that, within 30 days of receipt of this letter, Spatz Paint have the hazardous waste storage area inspected by a city fire marshall for compliance with local fire codes and ordinances. This inspection should be geared towards compliance with local fire codes taking into account the maximum quantity of ignitable hazardous waste to be stored at this site at any one time in the future. If the fire marshall approves such storage at this location, Spatz Paint should submit to EPA a letter signed by the city indicating their approval of such storage. If the fire marshall does not approve such storage then Spatz Paint should either, determine at what location and what quantity of hazardous waste the fire marshall will approve storage of this waste or if this is not possible construct a storage facility to store this waste that will insure compliance with local fire codes.

EPA-ARWM/WMBR

JAN 10 1984

Region VII K.C., MO

  
R00352570  
RCRA RECORDS CENTER

Our review of the letter to you from MDNR, dated June 27, 1983, and your response to this letter dated July 18, 1983, indicates that the documentation requested by MDNR was not submitted as requested. It is requested that within 30 days of receipt of this letter, the following information be submitted both to MDNR and EPA:

- (1) Information required by 10 CSR 25-7.011 (6)(B)(12) and (13) concerning personnel training and records of that training; and
- (2) A copy of the facility contingency plan, as required by 10 CSR 25-7.011(5).

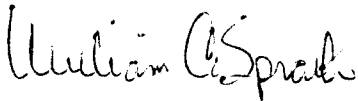
Finally we have, based on the MDNR inspection at Spatz Paint, reassessed this facility's status in the Federal Resource Conservation and Recovery Act (RCRA) system. Although the xylene that is generated is recycled, this waste is not exempt from regulation if it is stored on-site or transported prior to storage or re-cycle. Please refer to 40 C.F.R. §261.6(b) for this requirement. Based on this we are rescinding our status change letter dated June 17, 1983, and re-classifying Spatz Paint as a hazardous waste generator.

Please submit all requested information to David Doyle, Air and Waste Compliance Branch, U.S. EPA, 324 East Eleventh Street, Kansas City, Missouri 64106.

Failure to respond to this request in a timely manner could lead to further enforcement action pursuant to Section 3008 of RCRA.

If you have any questions concerning this matter, please call Mr. Doyle at 816/374-7133.

Sincerely yours,



David A. Wagoner  
for Director, Air and Waste Management Division

cc: Stan Jorgensen and Sandy Carroll  
Missouri Department Natural Resources